

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 329 of 1997

Date of decision: 12-8-1998

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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NATIONAL TEXTILE CORPORATION LIMITED

Versus

CENTRAL BANK OF INDIA  
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Appearance:

MR ASHWIN L SHAH for Appellant  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/08/98

ORAL JUDGEMENT

This appeal is directed by the original defendant No.4 against the judgment and decree of Court No.9, City Civil Court, Ahmedabad, passed in Civil Suit No.1214 of 1977 decided on 29th December, 1982.

This appeal was filed by the appellant in this court on 8th April, 1983 and it has come up for admission in the court after more than 15 years of the filing thereof. The suit filed by the respondent No.1 -original plaintiff - Central Bank of India - against the appellant - original defendant No.4 and others has been dismissed without any order as to costs. This appeal has been filed only with the grievance that the cost of the suit should have been awarded to the appellant -defendant. However, the learned counsel for the appellant does not dispute that the award of cost in a suit which has been dismissed for the party in favour of which the suit has been dismissed is the discretion of the court. In the present case where the trial court has considered that the cost should not be awarded to the appellant defendant, no interference in the appeal is called for.

In the result this appeal fails and the same is dismissed.

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